

New Zealand.



ANALYSIS.

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1921-22, No. 52.

Title.

AN ACT to amend the Harbours Act, 1908.

[11th February, 1922.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Harbours Amendment Act, 1921-22, and shall be read together with and deemed part of the Harbours Act, 1908 (hereinafter referred to as the principal Act).

Boards may provide waiting-rooms, reading-rooms, dining-rooms, and meals for waterside workers and others.

2. (1.) To provide for the comfort, convenience, and economy of waterside workers a Harbour Board may—

- (a.) Establish, equip, and furnish waiting-rooms, reading-rooms, dining-rooms, and kitchens;
- (b.) Provide meals at such charges as the Board may think fit, whether such charges are or are not sufficient to defray the expense thereof;
- (c.) Acquire by purchase, lease, or otherwise lands and premises suitable for any such purpose, and also furniture and equipment; and
- (d.) Grant, by lease, bailment, or license, the use or occupation of any premises, furniture, and equipment provided by it to such persons to be used for any such purposes, at such rentals, for such terms, and subject to such conditions, agreements, and provisions as the Board, in its discretion, shall think desirable:

Provided that no such lease, bailment, or license shall be granted for a longer term than three years.

(2.) The Board may, by by-laws under the principal Act or by resolution, from time to time generally regulate the use of and give directions for the management of all or any of the waiting-rooms, dining-rooms, kitchens, furniture, and equipment, and, in particular, may define the hours, times, and occasions on or during which the same shall severally be open or closed, and may define the persons or classes of persons for the use of whom the same shall or shall not be available, and may prescribe conditions of such user.

(3.) The Board may itself make any such provision, or may contract with any person to make such provision on such terms and conditions as the Board may think fit.

(4.) It shall not be necessary in the case of any contract or acquisition, lease, bailment, or license authorized by this section to call for public tenders or to submit the same to public auction.

3. (1.) With respect to any foreshore vested in or under the control of a Harbour Board, the Board may make by-laws under the principal Act providing for the proper conduct of persons using such foreshore, and for regulating wheeled and other traffic thereon, and for limiting the parts of the foreshore that may be utilized for bathing, and for regulating the dress to be worn by bathers.

Board may make by-laws regulating traffic and conduct on foreshores vested in Board.

(2.) The Board may make by-laws for the prohibition or regulation of the use of steamers, sailing-vessels, punts, boats, and vessels of any description upon waters under its control, and for regulating all traffic upon such waters, and upon the foreshore and banks of such waters, on the occasion of boat-races, yacht-races, launch-races, or swimming-races, and may itself make charges or authorize any sports association to make charges for admission to specific parts of such waters, foreshores, and banks on the occasion of any such race.

Board may make by-laws regulating steamers and other vessels.

4. (1.) Notwithstanding anything contained in section one hundred and twenty-nine of the principal Act, or in section forty-two of the Harbours Amendment Act, 1910, the provisions of this section shall apply to lands the property of His Majesty (being either foreshore lands between high- and low-water marks or lands below low-water mark the depth of water on which is not sufficient at high water, spring tides, for the purposes of navigation) where such lands are not necessary for the purposes of a harbour.

Utilization of mud-flats.

(2.) If any such lands can, in the opinion of the Governor-General in Council, be made available for pastoral or agricultural purposes if reclaimed from the sea, the Governor-General in Council may grant leases thereof on condition that the lessee reclaims from the sea by embankment or otherwise the land comprised in the lease within a time to be defined in the lease.

(3.) Any such lease may be granted at such rent and subject to such other conditions and for such term of years, not exceeding twenty-one years, as the Governor-General in Council thinks fit.

(4.) Any such lease may contain provisions for the renewal thereof at the expiration of the term at a rental to be determined in such manner as may be prescribed by regulations under this section applicable to all cases where renewal of such leases is provided.

(5.) Any such lease may contain provisions for perpetual renewal thereof at the expiration of each several term thereof at rents to be

ascertained in the prescribed manner and upon conditions to be prescribed by regulations as aforesaid.

(6.) In any such lease may be contained a provision entitling the lessee to acquire the freehold of the land comprised in the lease upon terms and conditions to be prescribed by regulations as aforesaid.

(7.) Except as hereinafter provided, the Governor-General in Council, before granting a lease under this section, shall cause notice to be gazetted that such land is open for lease, and of the time and place where applications will be received from persons proposing to become lessees thereof.

(8.) The Governor-General in Council shall in such advertisement define an upset rental, and either—

(a.) Invite tenders at an increase on such upset rental, in which case the tenderer at the highest rental shall, if otherwise approved, be entitled to become lessee; or

(b.) Invite applications at the upset rental, in which case, if there be more than one applicant, the successful applicant shall be decided by ballot.

(9.) If the land to be reclaimed is, in the opinion of the Governor-General in Council, so narrow or otherwise of such a configuration that it cannot be usefully occupied by any person other than the owner or owners of adjoining lands, such land may be sold or leased to the adjoining owner or owners, upon condition of the reclamation thereof, at such price and upon such other terms and conditions as the Governor-General in Council thinks fit.

Regulations.

(10.) The Governor-General in Council may make regulations, not inconsistent with this section, prescribing all matters and things which by this section are required to be prescribed or which are necessary or convenient for the purpose of carrying out and giving effect to this section.

Repeal.

(11.) This section is in substitution for section thirty-nine of the Harbours Amendment Act, 1910, and that section is hereby accordingly repealed.
